

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re: ) Chapter 7  
 )  
ALPINE ASPHALT PAVING, INC., ) Case No. 09 B 32120  
 )  
Debtor. ) Honorable A. Benjamin Goldgar  
 )  
 ) Hearing Date: November 21, 2011  
 ) Hearing Time: 9:30 a.m.  
 ) Room: 613

**COVER SHEET FOR SECOND AND FINAL APPLICATION OF FRANKGECKER LLP  
FOR ALLOWANCE OF COMPENSATION AND EXPENSES**

Name of Applicant: FrankGecker, LLP  
Authorized to Provide Professional Services to: Frances F. Gecker, Chapter 7 Trustee of the Estate of Alpine Asphalt Paving, Inc.  
Period for Which Compensation is Sought: October 16, 2011 through September 15, 2012  
Amount of Fees Sought: \$1,360.00  
Amount of Expense Reimbursement Sought: 15.18  
This is a: Second and Final Fee Application

The aggregate amount of fees and expenses *paid* to the Applicant to date for services rendered and expenses incurred herein is: \$5,294.94.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re: ) Chapter 7  
 )  
ALPINE ASPHALT PAVING, INC., ) Case No. 09 B 32120  
 )  
Debtor. ) Honorable A. Benjamin Goldgar  
 )  
 ) Hearing Date: November 19, 2012  
 ) Hearing Time: 10:00 a.m.  
 ) Room: 613

**NOTICE OF MOTION**

PLEASE TAKE NOTICE THAT on **November 19, 2012**, at **10:00 a.m.**, we shall appear before the Honorable A. Benjamin Goldgar, or such other judge as may be sitting in his stead, in Courtroom 613 at the Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois 60604, and present the attached **Second and Final Application of FrankGecker LLP as Counsel to Frances Gecker, Chapter 7 Trustee of the Bankruptcy Estate of ALPINE ASPHALT PAVING, INC., for Compensation and Reimbursement of Expenses.**

Respectfully submitted,

FRANK/GECKER LLP

By: /s/ Zane L. Zielinski  
One of its attorneys

Zane L. Zielinski (IL ARDC #6278776)  
FRANK/GECKER LLP  
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(312) 276-0035 (fax)

Dated: October 18, 2012

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re: ) Chapter 7  
 )  
ALPINE ASPHALT PAVING, INC., ) Case No. 09 B 32120  
 )  
Debtor. ) Honorable A. Benjamin Goldgar  
 )

**SECOND AND FINAL APPLICATION OF FRANKGECKER LLP  
AS COUNSEL TO FRANCES GECKER, CHAPTER 7 TRUSTEE OF THE  
BANKRUPTCY ESTATE OF ALPINE ASPHALT PAVING, INC. FOR  
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

FrankGecker LLP, counsel to Frances Gecker, the Chapter 7 Trustee (the “Trustee”), of the bankruptcy estate of Alpine Asphalt Paving, Inc. (the “Debtor”), hereby submit this second and final fee application (the “Application”) pursuant to 11 U.S.C. §§330, 331 and 507(a)(1) seeking compensation totaling \$1,360.00 for legal services performed as counsel to the Trustee during the period of October 16, 2011 through and including September 15, 2012 (the “Application Period”) and reimbursement of expenses totaling \$15.18 incurred in connection with those services. In support of the Application, FrankGecker LLP respectfully represents as follows:

**INTRODUCTION**

1. On August 31, 2009, the Debtor filed a voluntary petition for relief under Chapter 7 of the Title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division (the “Case”).
2. Frances Gecker is the duly appointed Trustee in the Case.
3. A meeting of the Debtor’s creditors was convened pursuant to Section 341 of the Bankruptcy Code (the “341 Meeting”) on October 13, 2009.

4. Ms. Gecker chose FrankGecker LLP (“FG”) as Trustee’s counsel. On September 23, 2009, this Court entered an order authorizing Ms. Gecker to retain FG and Mr. Zielinski as her counsel.

5. Counsel has received \$5,294.94 in previously awarded compensation and reimbursement of expenses.

6. The assets of this case consisted of several vehicles, office equipment and inventory valued at \$57,900.00 (the “Inventory”), and outstanding accounts receivable. During the Case, the Trustee arranged with an auctioneer for the sale of the Debtor’s Inventory at auction, resulting in net sale proceeds of \$20,466.91 for the estate. The Trustee also worked on reviewing and analyzing the Debtor’s accounts receivable records, investigating their collectability, and preparing demand letters from several parties seeking the payment of the amounts due and owing to the Debtor. In addition the Trustee objected to several secured claims.

7. This fee application seeks allowance of all fees and expenses incurred by FG from October 16, 2011 through and including September 15, 2012. To aid the Court in its review of this application, the Trustee’s counsel has divided this application into three parts. Part I describes the practical and legal issues encountered by the Trustee’s counsel, and actions taken and results obtained by counsel. Part II describes the qualifications and areas of expertise of the Trustee’s attorneys. Part III describes the manner in which fees and expenses were calculated by the Trustee’s attorneys.

## **I. SERVICES PERFORMED**

### **A. Administration \$350.00**

FrankGecker spent 1.00 hour at a cost of \$350.00 on a prorated basis to appear in court on Trustee’s final report hearing and final fee applications.

**B. Claims** \$685.00

FrankGecker spent 3.40 hours at a cost of \$685.00 on issues relating to the review of all claims, including drafting, filing and appearing in court on objections to certain secured claims.

**C. Retention of Professionals/Fee Applications** \$325.00

FrankGecker spent 1.00 hour at a cost of \$325.00 in relation to appearing in court on FrankGecker's first interim fee application.

**II. ATTORNEYS PROVIDING SERVICES FOR THIS ESTATE**

Zane L. Zielinski (ZLZ) is an associate at FrankGecker LLP. Mr. Zielinski is a 2002 graduate of Chicago-Kent College of Law, where he was a member of the Editorial Board of the Chicago-Kent Law Review and was elected to the Order of the Coif. Mr. Zielinski specializes in bankruptcy law and has represented trustees, debtors and creditors in bankruptcy cases.

William G. Cross (WC) is an associate at FrankGecker LLP. Mr. Cross is a 2009 graduate of Loyola University Chicago School of Law. Mr. Cross specializes in bankruptcy law and has represented trustees and creditors in bankruptcy cases.

**III. CALCULATION OF TIME AND FEES**

This is the Trustee's second and final application for compensation and reimbursement of fees and expenses of FG. This fee application applies to fees and expenses incurred by FG from October 16, 2011 through September 15, 2012. All professional services for which compensation is requested herein, and all reimbursement for expenses incurred, have been for services directly related to the case and were rendered for the benefit of the Trustee and the Debtor's estate. No agreement or understanding exists between FG and any other person for the sharing of compensation received or to be received in connection with this case, other than as disclosed or authorized pursuant to 11 U.S.C. §§ 327, 328, 330 and 331.

As set forth in the attached exhibit, FG's attorneys have spent a total of **5.40** hours providing necessary legal services for the Trustee. As a result, they request compensation in the amount of **\$1,360.00** for actual, necessary legal services performed (Exhibit A). The average hourly rate is **\$251.85**. In addition, FG has expended the sum of **\$15.18** for actual necessary expenses incurred in representing the Trustee. FG has voluntarily written off all expenses related to fax and copying charges, only charging for off-site copying charges when incurred.

In preparing this fee application, FG has calculated the amount of time spent by each attorney and paralegal in performing actual, necessary legal services for the Trustee. The data used came directly from computer printouts of data which is kept by FrankGecker LLP on each of its clients. The hourly rates charged are the regular hourly rates charged by the firm to its clients. FG worked to avoid any duplication of effort, and in instances where more than one attorney billed for a project, there was a need for multiple attorneys' involvement or the time of one of the attorneys was voluntarily written off.

To aid the Court in its review of this material, FG has prepared its time exhibits by topic as presented in the attached Exhibit A. For purposes of this Application, counsel has used three categories. Most of these categories are substantive. The time entries cover all work performed by FG regardless of whether it was office conferences, telephone conferences, research or some other type of work.

FG does not bill its clients or seek compensation in this fee application for its overhead expenses, including word processing, computer research charges, fax charges, phone charges or secretarial overtime, instead, such expenses are factored into FG's normal and customary rate.

No compensation has been promised to FG, other than as disclosed or approved by this Court. FG certifies that there is no agreement between the firm and any other party regarding the sharing of fees except with the firm's partners, nor has the firm discussed or negotiated the

amount of its fees with any party except the Trustee. Finally, FG represents that it is and remains a disinterested party and does not hold any relationship adverse to the estate.

WHEREFORE, FrankGecker LLP respectfully requests that this Court enter an Order:

- A. Allowing FrankGecker LLP compensation for actual, necessary legal services in the amount of \$1,360.00;
- B. Allowing FrankGecker LLP reimbursement of actual, necessary expenses in the amount of \$15.18; and
- C. Authorizing the Trustee to pay FrankGecker LLP compensation and expense reimbursement in the total amount of \$1,375.18.

Dated: September 15, 2012

Respectfully submitted,

FRANCES GECKER, not individually but as Chapter 7 Trustee of the bankruptcy estate of ALPINE ASPHALT PAVING, INC.

By: /s/ Zane L. Zielinski  
One of her attorneys

Zane L. Zielinski (IL ARDC #6278776)  
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